

PTO/SB/51 (02-01)

Approved for use through 01/31/2004 OMB 0851-0033

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**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

DA9397US.CIP2RE

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 6056716, granted May 2, 2000, and for which a reissue patent is sought on the invention entitled Hypodermic Fluid Dispenser

the specification of which

☒ is attached hereto.☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Patent Application Serial No. 08/738,303 from which U.S. Patent No. 6,056,716 issued was inadvertently filed as a continuation in part application. 35 USC 154(a)(2), of which neither the inventors or their assignee was aware, made the term of the patent be measured from the filing date of the earliest filed priority application, which was U.S. Patent Application Serial No. 07/059,620 which was filed on June 8, 1987. Since none of the earlier filed patent applications to which Serial No. 08/738,303 contained a specific reference, disclosed the invention of U.S. Patent No. 6,056,716 or the subject matter of the claims in Serial No. 08/738,303, there was no need for the '716 patent to be a continuation in part. They inadvertently and needlessly substantially shortened the term of their patent. This reissue application is being filed to make the filing date the actual filing date of Serial No. 08/738,303, from which the term of the patent will be measured.

[Page 1 of 2]

Burden Hour Statement. This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

PTO/SB/61 (02-01)

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

DA9397US.CIP2RE

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number

D. Peter Hochberg

24,603

Katherine R. Vieyra

47,155

Sean F. Mellino

48,817

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

28672

Type Customer Number here

Place Customer Number Bar  
Code Label here☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Nicholas F. D'Antonio

Inventor's signature

Residence

Tully, NY

Date

January 18, 2002

Citizenship

United States

Mailing Address

6308 Fly Road, East Syracuse, NY 13057

Full name of second joint inventor (given name, family name)

Linda F. D'Antonio

Inventor's signature

Residence

Syracuse, NY

Date

January 18, 2002

Citizenship

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Mailing Address

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Full name of third joint inventor (given name, family name)

John T. Wagner

Inventor's signature

Residence

Drexel Hill, PA

Date

January 22, 2002

Citizenship

United States

Mailing Address

510 Wilde Avenue, Drexel Hill, PA 19026

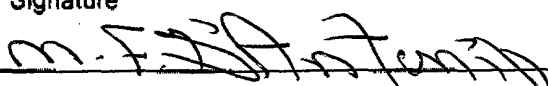
☐ Additional joint inventors are named on separately numbered sheets attached hereto

PTO/SB/53 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT</b>		<b>Docket Number (Optional)</b> DA9397US,CIPRE
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) Nicholas F. D'Antonio et al.		
Patent Number 6056716	Date Patent Issued May 2, 2000	
Title of Invention Hypodermic Fluid Dispenser		
1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)		
2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.		
One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".		
The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.		
The assignee(s) owning an undivided interest in said original patent is/are <u>D'Antonio Consultants</u> and the assignee(s) consents to the accompanying application for reissue. <u>International, Inc.</u>		
Name of assignee/inventor (if not assigned)		
Signature 	Date January 18, 2002	
Typed or printed name and title of person signing for assignee (if assigned) Nicholas F. D'Antonio President		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/96 (08-00)

Approved for use through 10/31/2002. OMB 0661-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: D'Antonio Consultants International, Inc.Application No./Patent No.: 6056716Filed/Issue Date: May 2, 2000Entitled: Hypodermic Fluid DispenserD'Antonio Consultants International, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 8287 Frame 0172 or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

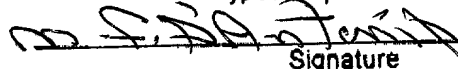
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

January 18, 2002

Date

Nicholas F. D'Antonio

Typed or printed name



Signature

President

Title

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Nicholas F. D'Antonio, Linda F. D'Antonio and John T. Wagner  
Serial No. :  
Filed : (Herewith)  
Title : HYPODERMIC FLUID DISPENSER  
Reissue of U.S. Patent: 6,056,716 dated May 2, 2000  
Attorney Docket : DA9397US.CIP2RE (#90036)

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 CFR 1.97**

Box Reissue  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Under the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, Applicant would like to call the Examiner's attention to the reference listed on the attached Form PTO-1449. Copies of the references are not enclosed as they are of record in the file of parent U.S. Patent 6,056,716 issued May 2, 2000.

This Information Disclosure Statement is being filed along with the application.

In accordance with 37 C.F.R. 1.97(g) and 37 C.F.R. 1.97(h), filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made and shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 34 C.F.R. 1.56(b).

The Examiner is requested to make the attached references of record and to consider these references along with such other references deemed pertinent as a result of the Examiner's own

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INFORMATION DISCLOSURE CITATION

In re application of: Nicholas F. D'Antonio, Linda F. D'Antonio and John T. Wagner

Serial No: Group No.:

Filed: (Herewith) Examiner:

For: HYPODERMIC FLUID DISPENSER

Box Reissue  
Commissioner for Patents  
Washington, D.C. 20231

U.S. Patent Documents

Examiner Initial	Document Number	Date	Name
_____	1,880,354	10/1932	Mueller
_____	2,675,802	04/1954	Hein
_____	2,762,369	09/1956	Venditty
_____	2,800,903	07/1957	Smoot
_____	3,134,380	06/1964	Armao
_____	3,136,313	06/1964	Enstrom et al.
_____	3,138,157	06/1964	Ziherl et al.
_____	3,262,449	07/1966	Pannier et al.
_____	3,419,007	12/1968	Love
_____	3,430,626	03/1969	Bergman

3,490,451	01/1970	Yahner
3,526,225	09/1970	Isobe
3,557,784	01/1971	Sheilds
3,649,299	03/1972	Sholl
3,888,239	06/1075	Rubinstein
3,945,383	03/1976	Bennett et al.
3,948,266	04/1976	Clark et al.
3,985,535	10/1976	Bennett et al.
4,010,747	03/1977	Clark et al.
4,014,206	03/1977	Taylor
4,059,107	11/1977	Iriguchi et al.
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4,165,800	08/1979	Doherty et al.
4,196,730	04/1980	Wilson
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4,392,859	07/1983	Dent
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4,753,638	06/1988	Peters
4,784,640	11/1988	Johnson et al.
5,026,343	06/1991	Holzer
5,080,648	01/1992	D'Antonio
5,304,128	04/1994	Haber et al.
5,318,522	06/1994	D'Antonio
5,480,381	01/1996	Weston
5,569,190	10/1996	D'Antonio

Foreign Patent Documents

Examiner Initial	Document Number	Date	Country	Translation (Yes/No)
_____	0087314	8/1959	Denmark	
_____	1424853	9/1988	U.S.S.R.	
_____	WO 91/12839	9/1991	WIPO	



Other Prior Art (Inc. Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Initial

Document

"Mode of Operation of the Compressor in a Jet Injector," *Meditinskaya Tekhnika*, Vol. II. No. 1, pp. 23-27, Jan.-Feb., 1977.

"Comparative Evaluation of Three Jet Injectors for Mass Immunization," *Canadian Journal of Public Health*, Vol. 68, pp. 513-516, Nov.-Dec., 1977.

"Efficacy of an Absorbed Trivalent Split Influenza Vaccine Administered by Intradermal Route," *Arc. Roum. Path., Exp. Microbiol.* T. 40, No. 1, pp. 67-70, Jan.-Mar., 1981.

Examiner:

Date Considered:

**\*\*Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.